



PLANNING COMMITTEE: 29th October 2013
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2013/0931 **Change of use from offices (use class B1) to house in multiple occupation for 7 tenants (sui generis use) including alteration to window in front elevation at 24 York Road**

WARD: Castle

APPLICANT: Mr Gary Bees
AGENT: Rod Kilsby Partnership

REFERRED BY: Councillor Danielle Stone
REASON: Over-development

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to conditions and for the following reason:

The principle of residential use is considered acceptable in a sustainable location and would assist in the repopulation of the Central Area which outweighs the loss of an office building. The proposal would not have an undue detrimental impact on the character of the locality or residential amenity and would not give rise to highway safety problems. The proposal is therefore compliant with the guidance contained within the National Planning Policy Framework and Policies 1 and 15 of the Central Area Action Plan.

2. THE PROPOSAL

2.1 Planning permission is sought for a change of use of an existing office building (use class B1) to 7 bedroom house in multiple occupation (Sui Generis use). The application provides a total of 7 bedrooms, with communal kitchen, lounge and diner. The proposal spans all 4 floors

of the building and also includes minor alterations to the front window at ground floor.

3. SITE DESCRIPTION

3.1 The site consists of a 4 storey terraced building on the western side of York Road sandwiched between residential flats on one side and offices on the other. The site is located close to the northern boundary of the St Giles Conservation Area and within a Safeguarded Employment Zone in the CAAP. The building has been vacant since April 2011.

3.2 The site does not have any off road parking.

4. PLANNING HISTORY

4.1 The site obtained planning permission in 1977 for its existing office use.

5. PLANNING POLICY

5.1 Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan comprises of the saved policies of the Northampton Local Plan (1997) and the Central Area Action Plan.

5.2 National Policies

National Planning Policy Framework (NPPF)

5.3 Central Area Action Plan

Policy 1 - Promoting Design Excellence
Policy 15 - Office and Business Uses

5.3 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003
Planning out Crime in Northamptonshire SPG 2004

6. CONSULTATIONS/ REPRESENTATIONS

Representations received are summarised as follows:

6.1 **Sheinman Opticians 106-110 Abington Street and 23 York Road** – object to the application, noise and concern on calibre of tenants resulting in detrimental impact on character of the area. Impact on existing properties on York Road.

- 6.2 **NCC Highways** - Raised concerns given that any application will require at least 2 car parking spaces per 5 residents therefore this application needs 3 to 4 spaces.
- 6.3 **Councillor Danielle Stone** – overdevelopment of the site
- 6.4 **NBC Private Sector Housing** – the application complies with requirements.
- 6.5 **NBC Built Conservation** – no objection.
- 6.6 **NBC Public Protection** – the development would need to be accompanied by an exposure assessment for air quality in order to determine if it is suitable for occupation as residential accommodation.

7. **APPRAISAL**

Policy context

- 7.1 The site is located within a Safeguarded Employment Area in the CCAP where policy seeks to promote office uses unless it can be demonstrated that the loss of employment floor space will be outweighed by meeting strategic objectives. Policy 1 of the CAAP relates specifically to promoting good design.
- 7.2 The National Planning Policy Framework (NPPF) does not offer specific guidance to Local Planning Authorities (LPAs) in respect of applications for the change of use from offices to a house in multiple occupation. It does however urge LPAs to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (paragraph 50). Paragraphs 56 and 57 of the NPPF also encourage good design.

Principle of development

- 7.3 Whilst the site is safeguarded in the CAAP for office uses, one of the strategic objectives in the CAAP also encourages the repopulation of the Central Area. The site has been vacant since April 2011, the applicant has confirmed via the letting agent that the site has been marketed unsuccessfully for office uses during the last two and a half years, the lack of on-site parking making it less attractive for office tenants. The proposed use would bring a vacant unit back into active use in a sustainable location in the town centre and in line with the objective in the CAAP. It should be noted that recent changes to regulations would allow the vacant offices to be converted to residential use (class C3) without permission, although the owner would have to give a Prior Notification of their intention to change the use.

Parking

- 7.4 The Highway Authority raised concerns regarding the lack of parking provision. However, the site is located within the town centre which is accessible to a range of transport modes. The applicant has confirmed their intention to provide cycle storage as part of the application. Notwithstanding the lack of on-site parking facility to serve the development, it would not be reasonable to refuse the application on lack of parking ground as public parking is readily available in the vicinity.

Impact on amenity of neighbours and residential amenity

- 7.5 The property is large enough to accommodate the proposed 7 occupants. All habitable rooms would be large enough and offer sufficient outlook and light for future occupiers. It is considered that the effect on neighbours' living conditions in terms of noise and privacy would be acceptable bearing in mind the previous use as offices which could have more than 7 employees. The property has a large rear garden area which is accessible to all future occupiers via the kitchen. The applicant confirms that they will provide adequate refuse storage to the rear of the site as indicated on the plans. It is not considered that the proposal is an over-development of the site.

Over concentration of uses

- 7.6 From recent data collected, it is evident that there are other HIMOs on the same road. However these represent a small proportion of the properties (there are over 50 properties along York Road, out of which combined with Planning, Private Sector Housing and Council Tax records indicate that 7 are in HIMO use). It is not considered that the character of this street would be substantially affected bearing in mind there is a mix of other commercial uses on York Road.

Impact on appearance and character of the St Giles Conservation Area

- 7.7 The only operational development associated with the proposed change of use includes alterations to a front window of the property at street level. Given that there would not be any significant external changes to the building the impact on the conservation area would be limited.

Air Quality

- 7.8 The site is located within an Area Quality Management Area. Environmental Health has raised concerns in terms of future occupiers being exposed to unacceptable air pollution from traffic on York Road. However, given that the building has been historically used for residential purposes and there are a significant number of residential properties along York Road, refusal on these grounds would be unreasonable.

8. CONCLUSION

- 8.1 The proposed change of use would be acceptable and would not result in significant impact to highway safety or residential amenity and is in line with Development Plan Policy.

9. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The premises shall be used as a house in multiple occupation for a maximum of seven residents only.

Reason: To ensure that a satisfactory standard and layout of accommodation is provided in the interests of the amenity of occupants and nearby residents in accordance with Policy 1 of the CAAP.

3. Full details of facilities for the secure and covered parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development hereby permitted, provided prior to the development being first brought into use and retained thereafter.

Reason: To ensure provision of adequate facilities and sustainable travel to accord with the National Planning Policy Framework.

4. Details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority, provided prior to the development being first brought into use and retained thereafter.

Reason: In the interests of amenity to accord with National Planning Policy Framework.

10. BACKGROUND PAPERS

- 10.1 N/2013/0931

11. LEGAL IMPLICATIONS

- 11.1 None

12. SUMMARY AND LINKS TO CORPORATE PLAN

- 12.1 In reaching the attached recommendations regard has been given to

securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Name: Planning
 Date: 14th October 2013
 Scale: 1:1250
 Dept: Planning
 Project: Committee

Title
24 York Road

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